A COMPREHENSIVE ANALYSIS OF CONSTITUTIONAL AND STATUTORY SAFEGUARDS FOR WOMEN EMPOWERNMENT IN INDIA

A Synopsis

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INTRODUCTION:

In the Vedic era, women and men were treated equally. They were honored and admired. T Hindus considered that man and woman are the two aspects of one person. Lord Shiva consisted of body of two halves, one male and other female and he is called “Ardhanareeshwara”. Women are considered as goddess of ‘shakti’. In the ancient India, women and men took part in all the activities equally and therefore she was called as “Saha Dharma *Charini”.

In Vedic period, it was said that “yatra naryantu poojyante ramantetatra devta” which means where the women are worshipped the god exist there. The education of women was considered so important that in the atharvanaveda itself written that ‘the success of women in her married life depends upon her proper training during the brahmcharya.’ According to many learned men, many of the hymns of Rig-Veda were written by the women. So after careful examination of the Vedic period we can see that women are being considered equal to men. The status of women in India detoriated after the invasion of foreign conquerors, who degenerated the conditions of female. During the colonial period in India, status of woman that of Vedic period is ignored and barbaric practices upon women was highlighted by many scholars which were being practised. Marriage is being considered very important for man and woman from religious as well as social point of view but nowhere in the Hindu scriptures sati is mentioned which is quite prevalent during the colonial period. According to Deb “men in India looked upon women as household slaves and treated them with a superciliousness which even the sultan of Turkestan does not show towards his meanest.” Swami Dayananda thought that the barbarous tradition of treating women like salves and imprisoning them in homes began as a result of the Muslim religion's effect on

Hindus during the Mughal era. The Muslim conquest brought 'Pardah system' in Indian society. Education to women is stopped. Many miseries were faced by the women during 19th and 20th century. Some of them were sati, child marriage, kulin polygamy and enforced widowhood which were unknown during ancient times. Swami Vivekananda says "There is no chance for the welfare of the world unless the condition of women is improved. It is not possible for a bird to fly on only one wing." The framers of the constitution envisaged a comprehensive scheme for gender justice by employing the tool of non-discrimination, equal protection, and affirmative action's; by prohibiting immoral traffic and exploitations; and by setting the policy of humane and equitable condition for women at work place, in access to civic facilities and in intra familial relations.1The framers of constitution were quite aware of the situation of women so they included certain general and specific provisions for the upliftment of the women. In 1950 when constitution came into the force, equality between sexes has been established by many of its provisions and new legislations were made for the upliftment of women in the Indian society.

The constitution of India guarantees to Indian women equality under article 14, article 15(1), Equality of opportunity article 16, equal pay for equal work article 39 (d), special provision under article 15(3), renounces practises derogatory to the dignity of women article 51(A) (e) and also allows provisions to be made by the state for securing just and humane conditions of work and for maternity relief article 42. Women were given fundamental rights so that they can go directly to Supreme Court if any of these rights are violated by the state.

The directive principles of state policy included in the constitution, although not enforceable by the court of law, the principles there in are fundamental in the governance of the country and welfare of the people including women. According to the Art.39, the state shall, in particular, direct its policy towards securing that the citizens, men and women equally, have the right to livelihood. Men and Women alike receive equal compensation for equivalent work that the

[1] P. Ishwar Bhat "Law and Social Transformation" Eastern book company 2009 at p.530-531.

employees' health and strength, as well as the young children's age, are not exploited, and that the citizens are not compelled by economic necessity to engage in occupations that are out of proportion to their age and strength.

To achieve the goals of article 39(d), the Equal Remuneration Act of 1976 was passed by the legislature. "The state shall make provisions for securing just and humane conditions of work and for maternity relief," the Indian Constitution's Art.42 states. The Maternity Relief Act of 1961 is introduced by the legislature to carry out this item.

REVIEW OF LITERATURE

1. L Lalneihzovi, Women development in India (Problems an Prospects) (1st Edition, Mittal publication New Delhi 2007)

This book provides for the development of women, policies and programs for the upliftment of women. The book discusses the government initiatives taken up for the whole development of women and to ensure the participation of women at both national and state level in various fields.

2. Shanthi K, Women in India (1st Edition, Anmol Publication Pvt. Ltd New Delhi)

This book provides an overview of the problems suffered by the women in India from womb to tomb. Thought some problems are common to all irrespective of caste and socio economic status by and large the reference is to the socially and economically backward and downtrodden women. Mostly an emphasis on problems and condition of women in India.

3. *DR. S.R. MYNENI, Women and Law (2nd Edition, Asia Law House)*

This book in detail deals with the problems faced by women in India after independence. It contains various legislation made by the government for the women so that status of women in society can be uplifted. Enactments relating to women as per directive principles are given in this

book such as maternity laws, Equal pay for Equal work, human rights and women are dealt in this book in detail.

4. *Flavia Agnes, Women and Law (Oxford University Press)*

This book gives insight about women laws, gender equality and social justice. This book tells about the changes in the women law after they are codified. The objective of this book is to provoke discussion and debate on pertinent issues relating to women. Official data is used which helps to get insight of the problems related to women so that answers to the problems can easily be found out.

5. A. Abdul Raheem, Women Empowerment through Self Help Groups (1st Edition, Century Publications, New-Delhi)

It also examines the role of self-help groups in women development. Emphatically deals with different organization established in different parts of India providing an initiative for economically and socially backward women to raise the standard of women through help groups.

6. Lina Gonsalves, Women and Human Rights (A P H Publishing Corporation, New Delhi 2008)

This book emphasis on better understanding and knowledge of the existing human rights standards which apply to women and help them to realise and protect their rights of which they are unaware of any of today's urgency among women to educate themselves and to gain knowledge. This book deals with different existing rights especially for women as human rights.

7. AS Anand, Justice for Women Concerns and Expressions (Universal Law Publishing Co. Pvt. Ltd 2002)

This book comprises of compiles speech of Chief Justice Anand which are a clear expression of concern on women right's and justice for the women including some of the landmark and path breaking judgements which are incorporated in this book. The book highlights certain cases and

judgments till date in relation to justice for women.

8. Kalpana Kannabiran, Women and Law Critical Feminist Perspective (1st Edition, Sage Publication, New Delhi)

This book significantly brings out the concern on women and law, where the law in fact touches the lives of women. Particularly this book deals book deals with women and convene law.

9. Syed Maswood and KC Upadhyaya, Laws Relating to Women (1st Edition, Orient Law House, New Delhi 2004)

This book highlights the various aspects of law dealing with various social and legal rights of women India and the provisions of the Indian constitution, the personal, criminal, industrial laws pertaining to women. This book brings out the constitutional relation on the status of women. The journey from post-independence till date the constitutional provisions provided for the safeguard and welfare of women.

10. Sumi Krishna, Women's Livelihood Rights Recasting Citizenship for Development (1st Edition, Sage Publication, New Delhi 2007)

This book comprises of all reports from all spheres and background of women group concerning with women livelihood in the socio-economic conditions. Mainly focuses on the daily livelihood of women in different parts of our country. The daily challenges and depravity face by a woman from socially and backward region in the country.

11. UN Women Gender Equality and Women Empowerment constitutional jurisprudence (UN Women New York, May 2017)

This study express constitutional jurisprudence on gender equality and women empowerment provided by just governance group as part of project partnership between international IDEA and UN women, revealing some points related to current state of today realities for women living under constitution which give equal right between men and women and protect women from the discrimination based on gender.

12. Professor Seema Singh and Dr. Antra Singh Women Empowerment in India: A critical

analysis (UGC care Journal June 2020)

The paper basically discusses the women Empowerment in India, various models and other dimensions. This paper also discuss constitutional protection as well as plans and organization by the Government and their implementation, indication of woman empowerment. However, our country India rank low when compared with other countries so, there is high requirement of reassessing and modifying programs to achieve SDG. By 2030.

13. Pallavi Kapila women Empowerment: A comprehensive Analysis (December 2017 IOSR journal of humanities and Social Science.)

This research paper discuss the analysis of various initiative taken at international level, National work and initiative for the improvement of women at National level. This paper introduce the theoretical perspective initiative taken at international and national level.

14. Mahbub Mabub Women Empowerment theory, Practice, process and importance (July 2021)

Women Empowerment is a significant topic of discussion in development and economic. It also grow ability to manage risk and improve well-being. It refer to women ability to make strategic life choice. Which has previously denied them.

15. Manoharan R. A study on Empowerment of Urban Women through Self Help Group (December, 2019)

The Empowerment of women through self help group world lwad to benefits not only the individual women and women groups but also for the families and community as a whole through collective action for development Empowering women not only just for meeting their economic needs but also through more holistic social development.

16. Puru sottam Moyak Women Empowerment in India (Feb. 2009)

This view mainly emphasis on two important aspects.

Firstly, it is a power to achieve goals. But not a power over other.

Secondly, idea of Empowerment is more applicable to those who are powerless. Women Empowerment is also defined as a chance in the context of a women life, which enable her increased capacity for leading a fulfilling human life. It get reflected both in external qualities (Health, Mobility , Education and Awareness, status in family and also at level of material security) and internal qualities (self-awareness and self-confidence).

17.Women Entrepreneurship Development through self-help group in India: A review of studies: Bhumika Bori (2017)

The development of society require economic participation of women involvement of women in economic activities would ensure effective utilization of labour generation income and improve quality of life.

18. Professor Seema Singh and Dr Antra Singh Women Empowerment in India (June 2020) A critical Analysis

This article provide the strategic decision that must be made in life, such as choosing a career, getting married and children, How these decision affect second under decision such as teaching children value and managing matters. Empowerment is both a goal and a means to an End . This study also seek to pinpoint any in-adequacies in India current states of women empowerment.

19. Dr. R. Ramya Local Government – The real promoter of Women Empowerment (March 2019)

This paper give insight about women empowerment through skills. The basic objective of women empowerment is to establish a society where all people have equal access to resource. Gender equality refer to society where men and women have some chances result, right and responsibilities in all area of life.

20. Women's Empowerment and experience of mistreatment during Child Birth in

Facilities in Lucknow India, (Nov 2017) result from a cross sectional study, Nirmala Murthy

This study identify common are less likely to tolerate gender based violence have more agency in health care decision making and negotiations and are less likely to get subpar care in a facility. This expand our knowledge of empowerment and women health and also raise the possibility that GEM seals might be applied in this context to evaluate specific domain of empowerment from the viewpoint of women.

21. Kavita Sethuraman. The role of Women's Empowerment and domestic violence in child growth and under nutrition in Tribal and rural community in south India (Feb. 2008)

This research paper emphasis on make decision regarding employment income, household assets and expenses, Tertility, sociality, freedom of movement (physical mobility) and control over tangible and intangible resources like property information and position.

22. Sumani Veena S. (2008) A study of women Entrepreneurs engaged in Food Processing

The Thesis emphasis on Entrepreneur who takes chance and launches something new.

An Entrepreneur is , inventive , aware of new opportunities, able to adopt to changing circumstance and willing to take part or risk associated with the shift.

It is important to acknowledge the challenges that female entrepreneur face in our society.

23. Seema Chawla and Chander Bhan (2015) Self Help Group: A tool of rural women economic up-gradation

In this article, a critical analysis of SHG evaluation will be very helpful in understanding how they function, what challenge they may face in the future and how to come up with effective solution. As a result the Current study was designed with following objective – To evaluate how income producing activities affect SHG members.

24. Impact of Microfinance of decision making Empowerment (Feb 2019), Dr. S. Vali Devasence

This paper comprise Empowerment is essential for women. At numerous level, Empowerment take place in the sociological, Psychological, and economic sphere. This focus on Education and Employment, which are crucial component of sustainable development, is increased when women are empowered.

25. Dr. A. Ramalingiah, Dr. M. Moninaryanappa Women Empowerment through Self Help Women Group (2023)

This research empower the rural women related to development. By manage and develop skill, interest Women are empowering through Help Group which avoid exploit and empower women through the leadership.

26. Lakhawat Saroj and Charan Shailendra Singh (self 2015) Women Empowerment though micro finance: A study of Ajmer District, Rajasthan India

This Paper deals the about right, entitlement and participation in every sector.

Age group, level of Education, Marital status family income etc. are important aspect that influence the advancement and empowerment of women.

27. Pawan jot Kaur S. roopal Kaur .Empowering Rural Women through Self- Help Group in India (March 2015)

This Paper give insight about empowering Women giving them access to fundamental opportunities empowering of Women entail utilizing their through by highlighting the enormous potential and motivating them to strive for a respectable and fulfilling way of wife.

28. Dr. E. Muthukumar. R. Bhuvaneswari A study on Empowerment of women entrepreneurship in Pudukkottai District

This Article Point out that Women Make up 50% of the Population in every nation if the entrepreneurial talent of this group of people is not widely used it will result in complete waste of India's resources

29. Impact of women Entrepreneurship on women empowerment in Bangladesh, Md. Emanuel Haous (2015)

The purpose of this study to determine how entrepreneurship boost Women's Empowerment. Women Empowerment is the ability to positively make decision on their own access to information, control over resources. It also raises A Nation economic strength.

30. Creating an Enabling Environment for Women's Entrepreneurship in India Hina Shah, May 2013

This paper find method and policies that could foster an enabling environment for Women Entrepreneurs and would be entrepreneur in India. It seeks to offer a serious of useful and policy relevant ideas to support the healthy development of women owned Business and entrepreneurial endeavors . This information gathered from case studies of successful female entrepreneur aided the understanding of the environment in which they operate and difficulties they face.

This report in emphasis that Women Entrepreneurship is an under civilized source of economic growth.

OBJECTIVE OF THE STUDY

1. To explain the present social, economic and legal position of the women in India.
2. To study the factors restraining women from claiming equal right with their male counterparts.
3. To analyse the protective measures adopted by the government in favour of women.
4. To study the role of judiciary in protecting rights of women.
5. To study the role of implementation agencies in enforcing the rights of women. To achieve these objectives, it will be highly relevant to inquire as to how far the legislative, judiciary and the government bodies have been able to enforce the provisions of different statutes for protecting women rights.

RESEARCH METHODOLOGY

The Research Methodology which has been adopted to accomplish this project is non-doctrinal in nature. The various components for the research undertaken can be divided as follows.

The various journals and books will be referred to advance knowledge as well as for getting familiar with the subject closely.

Online research is conducted to understand the various intricacies of the subject and the latest developments in the field. An analysis has been done in regards to various developments and case laws to understand the situation better. The citation style in this thesis will be OSCOLA citation style.

HYPOTHESES

1. The laws passed by the parliament for women are sufficient enough to eradicate the problem of gender bias in the Indian society.

2. Legal education for women is necessary for eradicating the problems of inequality in the society.

3. Status of women in India even after 71 years of independence is not up to the mark which is set by the United Nations.

4. Women feel safe at workplace.

5. Protection and rehabilitation measures adopted by the government are adequate.

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